Court No.2

Writ Petition No.1379 (S/B) of 2002

Smt. Sunita Rani	……..	Petitioner
	Versus	
Union of India and others	…….	Respondents

…….

Hon.P.C.Verma,J.
Hon.Irshad Hussain,J.

Heard Sri Siddhartha Shah, learned counsel for the petitioner and Sri G.S.Bisht, Senior Standing Counsel, Government of India as well as Sri P.S.Adhikari, learned counsel for respondent No. 2, 4 to 7.

This writ petition has been preferred against the suspension order dated 19.09.2002 passed by the respondent no.2. Learned counsel for the petitioner has submitted that the respondent no.2 is not competent to pass the order as he is not the appointing authority. To substantiate it, learned counsel for the petitioner invited our attention to Article 82 of Article of Association governing the service conditions of the teachers of Kendriya Vidyalayas. No averment has been made in the writ petition that the Chairman has not delegated power of suspension to any other authority less than that of Appointing Authority. The argument of the learned counsel that the respondent no.2 is not competent to pass the impugned order is devoiod of merit. No other point has been argued regarding the competence of respondent not 2. In view of this, there is no substance in the writ petition.

Learned counsel for the petitioner has submitted tht the petitioner has been attached at Dehradun. However, no inquiry officer has been apponted. Learned counsel for the petitioner submits that the second part of the order is itself punitive as the petitioner has to been ordered to work at Dehradun. We find some substance in the argument of the learned counsel for the petitioner. We provide that till inquiry is not completed, the petitioner shall be allowed to continue at Moradabad. In case the inquiry officer appointed is at Dehradun, then the petitioner shall be allowed to continue at Dehradun.

With the aforesaid observation, the writ petition is disposed of finally.

(P.C.Verma,J.) (Irshad Hussain,J.)

Dt.08.10.2002

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